



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: EPHEDRA PRODUCTS LIABILITY
LITIGATION

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: 04 M.D. 1598 (JSR)
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PERTAINS TO ALL CASES

STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.29)

JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on September 14, 2006, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be held as previously announced at 4:30 pm on Thursday, October 5, 2006.

2. Upon the application of the Official Committee of Unsecured Creditors in the Metabolife bankruptcy, and without objection from any party appearing at the status conference, the stay of all cases involving Metabolife products was extended until the October status conference.

3. At the request of the Canadian Monitor in the Muscletech bankruptcy, and without objection, the stay of all cases involving Muscletech products was extended until the November status conference.

4. In connection with the motion of the Special Mediation Committee for the Twinlabs 2002-2004 Cases for reimbursement of

approximately \$123,000 in expenses from the Ephedra Plaintiffs' Common Expense Fund held by the Clerk of the Court pursuant to the 6% assessment established by Case Management Orders No. 7 ¶ 2 and No. 17 ¶ 3, the Court, following careful review of the underlying expenses, concluded that many of the expenses were patently excessive and unreasonable. Upon being so apprised, the Committee asked to withdraw its motion, which was permitted. Any renewed request by the Committee for the period in question, and any future requests by any party for approval of hotel, food, and travel expenses and the like, must be reasonable and, where applicable, must not exceed the following limits. Hotel bills: \$200 per night *exclusive* of tax and tips. Meals: \$100 per day *inclusive* of tax and tips. Airfare: coach class only. Furthermore, no charge of any amount will be approved unless it is supported by particularized documentation; for example, no hotel charge will be reimbursed unless accompanied by an itemized bill from the hotel in question showing the daily room rate and all other charges for which reimbursement is sought.

5. Upon the request of all parties in *Smoot v. AST Sports Science Inc.*, No. 04 Civ. 5482, all MDL proceedings in that case were stayed until the November status conference.

6. The portion of the motion by defendants in *Matheny v. Body Dynamics Inc.* et al., No. 04 Civ. 8556, to strike the report of plaintiff's case-specific pharmacologist, Dr. Bill Gurley

Ph.D., was granted, and the remainder of the matter, to strike the report of the plaintiff's case-specific physician, Dr. Ishak A. Mansi, was granted in part and denied in part, by separate Memorandum Order filed today that also sets forth some general principles of relevance to all the cases herein.

SO ORDERED.

Dated: New York, New York
October 3, 2006


JED S. RABOFF, U.S.D.J.